

46.5 Vacancies.

1. When a vacancy occurs in the office of an appointive judicial nominating commissioner, the chairperson of the particular commission shall promptly notify the governor in writing of such fact or the governor may take note of such a vacancy. Vacancies in the office of an appointive judicial nominating commissioner shall be filled by appointment by the governor, consistent with eligibility requirements. The term of state judicial nominating commissioners so appointed shall commence upon their appointment pending confirmation by the senate at the then session of the general assembly or at its next session if it is not then in session. The term of district judicial nominating commissioners so appointed shall commence upon their appointment.

2. An appointive commissioner shall be deemed to have submitted a resignation if the commissioner fails to attend a meeting of the commission that is properly noticed under [section 46.13](#) and at which the commission conducts interviews or selects nominees for judicial office. The governor, in the governor's discretion, may accept or reject the resignation. If the governor accepts the resignation, the governor shall notify the commissioner and the chairperson of the commission in writing and shall then make another appointment.

3. Vacancies in the office of elective judicial nominating commissioner shall be filled consistent with eligibility requirements by a special election within the judicial election district or congressional district where the vacancy occurs unless the term has less than ninety days remaining, in which case the office shall remain vacant. The special election shall be completed within ninety days of the vacancy arising and shall be conducted as provided in [sections 46.9](#), [46.9A](#), and [46.10](#).

4. If a vacancy occurs in the office of chairperson of the state judicial nominating commission, the members of the commission shall elect a new chairperson as provided in [section 46.6](#). If a vacancy occurs in the office of chairperson of a district judicial nominating commission or in the absence of the chairperson, the members of the particular commission shall elect a temporary chairperson from their own number.

5. Notwithstanding [section 69.1A](#), appointed and elected commissioners on the state and district judicial nominating commissions shall not hold over until their successor is appointed or elected and qualified.

6. All judicial nominating commissioners, including those elected by the bar, shall be subject to removal by the executive council in the same manner as appointive state officers under [section 66.26](#). When the status of a judicial nominating commissioner is in question, the governor shall be the officer responsible for deciding whether a vacancy exists under [section 69.2](#).

[C66, 71, 73, 75, 77, 79, 81, §46.5]

[83 Acts, ch 186, §10017, 10201](#); [87 Acts, ch 218, §5](#); [2009 Acts, ch 179, §164, 171](#); [2019 Acts, ch 89, §49, 60](#); [2020 Acts, ch 1063, §29](#)

Referred to in [§602.11111](#)

Confirmation, see [§2.32](#)

Subsection 5 amended